

Notice of Allowability

Application No.

10/015,572

Examiner

Cindy Nguyen

Applicant(s)

CHOW ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 08/18/06.
2. ☒ The allowed claim(s) is/are 1-11, 14-18, 21 and 22 (renumber as 1-18).
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

JEFFREY GAFFIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

9/18/06

DETAILED ACTION

This is response to amendment filed 08/18/06.

Allowable Subject Matter

Claims 1-11, 14-18, 21 and 22 are allowed in light of the applicant arguments and in light of the prior art made of record.

The following is a statement of reasons for the indication of allowable subject matter: The examiner, upon searching and variety of databases, respectfully submits that a source selection system in a communication switch having active and redundant data flow paths, said source selection system, comprising a source selector responsive to instruction from said assessment module to change the datasource selected as said active datasource to a new one of said corresponding datasources when said assessment module determines that aid new one of said datasources has a better operational performance than said one of said datasources as recited in claim 1, in context with the other limitations of the claims was not disclosed by, would not have been obvious over, nor would have been fairly suggested by the prior art of record.

The following is a statement of reasons for the indication of allowable subject matter: The examiner, upon searching and variety of databases, respectfully submits that a method of selecting a datasource in a communication switch, wherein a plurality of datasources output the same data in parallel subject to transmission errors that may be different for each datasource, said method comprising the steps of continually

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selecting as an active datasource a first datasource currently having better operational performance, wherein the data output thereby is used as active data for onward transmission while said selected datasource continues to have better performance and second of said datasources serving as a redundant datasource, and wherein the second of said datasources becomes the active datasource If the second of said datasources has better performance than the first of said datasources as recited in claim 11, in context with the other limitations of the claims was not disclosed by, would not have been obvious over, nor would have been fairly suggested by the prior art of record.

The following is a statement of reasons for the indication of allowable subject matter: The examiner, upon searching and variety of databases, respectfully submits that In a communication switch including active and redundant data flow paths a source selection system comprising: a source selector responsive to instruction from said assessment module to select as an upstream active data source of a particular said data processing element one of said data processing elements of a preceding pair of said data processing elements based on the operational performance as said data processing elements in said preceding pair, the other of said data processing elements of said preceding pair of said data processing elements serving as an upstream redundant source until the operational performance of said upstream active source becomes worse than said upstream redundant data source, whereupon said source selector switches roles of said active and redundant data sources so that the datasource with the better operational performance becomes the active datasource of

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said preceding pair of data processing elements as recited in claim 21, in context with the other limitations of the claims was not disclosed by, would not have been obvious over, nor would have been fairly suggested by the prior art of record.

The dependent claims 2-10, 14-18 and 22, being further limiting to the independent claims 1, 11, and 21 definite and fully enable by the specification are also allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cindy Nguyen whose telephone number is 571-272-4025. The examiner can normally be reached on M-F: 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gaffin Jeffrey can be reached on 571-272-4146. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7240 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



Cindy Nguyen
September 5, 2006